

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:22-cr-00336
)	
Plaintiff,)	JUDGE DAVID A. RUIZ
)	
vs.)	ORDER ACCEPTING PLEA
)	AGREEMENT, JUDGMENT AND
ELIJAH S. PAYNE,)	REFERRAL TO U.S. PROBATION
)	OFFICE
Defendant.)	
)	

This case is before the Court on a Report and Recommendation (R&R) filed by United States Magistrate Judge Jennifer Dowdell Armstrong regarding the change of plea hearing of Defendant Elijah S. Payne which was referred to the Magistrate Judge with the consent of the parties.

On June 23, 2022, the Government filed a six count Indictment, charging Defendant Elijah S. Payne in Count 1 with Conspiracy to Commit Bank Fraud, in violation of 18 U.S.C. § 1349, in Count 4 with Possession of Stolen Mail, in violation of 18 U.S.C. § 1708, and in Count 5 with Bank Fraud, in violation of 18 U.S.C. § 1344(2). Defendant Elijah S. Payne was arraigned on July 1, 2022, during which Mr. Payne entered a plea of not guilty to the charges. On June 27, 2023 Magistrate Judge Armstrong received Defendant's plea of guilty to count 1 of the Indictment, with a written plea agreement, and subsequently issued the R&R, concerning whether the plea should be accepted and a finding of guilty entered.

Neither party has submitted objections to the Magistrate Judge's R&R.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Elijah S. Payne is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Elijah S. Payne is adjudged guilty of Count 1 of the Indictment, Conspiracy to Commit Bank Fraud, in violation of 18 U.S.C. § 1349. This matter was referred to U.S. Pretrial Services and Probation Office for the completion of a pre-sentence investigation and report. Sentencing has been scheduled to occur on October 11, 2023, at 1:30 p.m. in Courtroom 17B, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

s/David A. Ruiz 8/11/2023
DAVID A. RUIZ
UNITED STATES DISTRICT JUDGE